THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 21443 OF 2005

DATED: 07.10.2005

Between:

G.Narender.

... PETITIONER

AND

The Secretary, Regional Transport Authority, Mahaboobnagar District and another

... RESPONDENTS

ORDER:

The vehicle of the petitioner bearing No.AP-9-E-6650 was seized by the 2nd respondent, through Check Report, dated 02.03.2005, alleging that the vehicle was plying as a stage carriage and that it does not possess the relevant documents. The petitioner challenges the seizure in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

A perusal of the Vehicle Check Report, dated 02.03.2005, discloses that certain

irregularities in respect of the vehicle referred to above were noticed. The liability of the petitioner for any action under the Motor Vehicles Act or the Rules made thereunder needs to be determined in the relevant proceedings. It is represented that a show cause notice has since been issued and the enquiry is in progress. If the vehicle is detained and kept in the custody of the 2nd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a. the Tempo, bearing No.AP-9-E-6650, shall be released to the petitioner on his depositing a sum of Rs.8,000/- (Rupees Eight Thousand Only)

b. the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle till the proceedings in pursuance of the Check Report are finalized and that he shall produce the vehicle as and when required.

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07.10.2005

Note: Issue C.C. by 10.07.2005

(B/o)

Jsu